

April 8, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

RE: MM Docket No. 04-233

WUKY is a non-commercial educational radio station licensed to the Board of Trustees of the University of Kentucky. Each week our programming reaches over 40,000 listeners across Central Kentucky.

As a public radio station operated by the state's flagship university and, indeed, the first university-owned FM radio station in the U. S., our programming is inherently local. Although we understand the FCC's desire for radio stations to be more responsive to the needs of their communities, we find the proposals outlined in the Federal Register Notice FCC 07-218 to be burdensome, unnecessary, and in many ways contradictory to the Commission's intentions regarding localism.

WUKY produces a significant amount of local programming on a daily basis. In the most recent quarter (January-March 2008), our award-winning news department presented comprehensive coverage of city government, the Fayette County schools, environmental issues, the regional economy, and arts and culture. We provided a forum for distinguished local commentators to air their views on a regular basis. We continued a 10-year partnership with other public radio stations in Kentucky to provide in-depth coverage of state government. And we continued to work with local high school journalism students to address issues of concern to the youth of the region.

Further, we produce nine hours of locally-hosted AAA music each day. In addition to playing the best music by nationally and internationally known artists, we regularly play recordings by local and regional musicians. Moreover, we invite local as well as visiting artists to perform live in our studios and to talk with our listeners about their work.

That said, we firmly believe that decisions about what music should be played—and when and how often local artists are heard—should be entirely at the discretion of the station's programming staff. Further, these decisions should be based solely on musical merit and not with an eye toward the next license renewal.

We are particularly troubled by the proposal which mandates “a physical presence” during all hours of station operation. Modern automation equipment has rendered this unnecessary during overnight and weekend periods. Requiring a physical presence in the station at all times would have the opposite effect from that intended by the Commission. At WUKY (and most other public radio stations across the country) we do not have sufficient funding to pay people to work as board operators during these times. If this rule were to go into effect, WUKY would be

forced to sign off at 8 pm on weekday evenings—and we would have to stay off the air until 5 the following morning.

Much of our programming on our main channel (WUKY-1) during that time now consists of world news from the BBC, which listeners in Central Kentucky would no longer have access to under the proposed rule. Our all news HD channel (WUKY-3) presents a different news service during this same time. Thanks to automation EAS alerts, Amber alerts, and weather warnings are now automatically relayed to our listeners. Those warnings would not air at all under the proposed rule. Our subcarrier broadcasts the programming of the Central Kentucky Radio Eye, which has a wide array of services for blind and physically handicapped individuals that airs during this overnight period. That service, too, would be lost. Most important, however, is that our news and other staff members are always on call and prepared to come into the studios on a moment's notice if an emergency develops any time overnight or on the weekends. This service would also be lost under the proposed rule.

The proposed requirement that the main studio must be in the city of license might not affect WUKY, but it would have serious consequences for the loyal listeners of many public radio outlets across the country that have come to depend upon essential local services provided by these stations. The Main Studio Waivers granted to these stations have enabled public radio to serve large geographic areas in this country that could not possibly support stand-alone stations.

My last station, WSIU (at Southern Illinois University), is an excellent example. Carbondale Illinois is a tiny community that was barely able to support its own public radio station. Mt. Vernon and Olney IL are even smaller towns. For decades, the latter two cities did not have access to any local public radio signals. We were able to build stations in those cities because we were not required by the FCC to maintain expensive and unnecessary main studios. Under the proposed rule, WSIU would have to shut down both of these repeaters because it could not afford to staff them. The same thing would happen to hundreds of other public radio stations that provide exceptional community service. The current rules, which make it very difficult to obtain main studio waivers, are more than sufficient to achieve the necessary balance between localism and availability of public radio in smaller communities across the country.

The proposed requirements to put public file information on the Internet, to maintain a community advisory board, and to conduct a variety of ascertainment activities are burdensome and unnecessary. Listeners who wish to see the public file can visit our studios at any time during regular business hours to view these documents. I have spent over thirty years in radio, and only once during that time has a listener asked to see a portion of this file. The resources required to have staff members scan huge numbers of documents and the high cost of the additional bandwidth required to make them available over the Internet for such a tiny minority of interested listeners could be far better spent on covering local news or recording interviews with a local bands.

The WUKY staff is already heavily involved in our community. We work, often on a daily basis, with our local schools, chamber of commerce, city government, libraries, and community service and cultural institutions. WUKY staff members often serve as board members or resources for these organizations. Community leaders and community members are consulted continually on a variety of issues that we face including programming, fundraising, language, and so on. This is simply good broadcasting practice, but transforming it into an FCC mandate (along with the attendant record-keeping and bureaucratic nonsense) would put even further strain on our station's precarious budget—and again divert resources that are currently used to produce programming that is responsive to local issues and needs.

With all of the foregoing in mind, we request that the FCC withdraw the new rules that it has proposed and enable non-commercial radio stations like WUKY to continue to provide exemplary local programming to the people of our communities.

Sincerely,

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